

**COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978**

Act of July 1, 1978, Public Law 95-313, 92 Stat. 365, 16 U.S.C. 2101 et seq.

[As Amended Through P.L. 106-170, Dec. 17, 1999]

AN ACT To authorize the Secretary of Agriculture to provide cooperative forestry assistance to States and others, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [16 U.S.C. 2101 note]* That this Act may be cited as the “Cooperative Forestry Assistance Act of 1978”.

**SEC. 2.<sup>2-1</sup> [16 U.S.C. 2101] FINDINGS, PURPOSE, AND POLICY.**

(a) FINDINGS.—Congress finds that—

(1) most of the productive forest land of the United States is in private, State, and local governmental ownership, and the capacity of the United States to produce renewable forest resources is significantly dependent on such non-Federal forest lands;

(2) adequate supplies of timber and other forest resources are essential to the United States, and adequate supplies are dependent on efficient methods for establishing, managing, and harvesting trees and processing, marketing, and using wood and wood products;

(3) nearly one-half of the wood supply of the United States comes from nonindustrial private timberlands and such percentage could rise with expanded assistance programs;

(4) managed forest lands provide habitats for fish and wildlife, as well as aesthetics, outdoor recreation opportunities, and other forest resources;

(5) the soil, water, and air quality of the United States can be maintained and improved through good stewardship of privately held forest resources;

(6) insects and diseases affecting trees occur and sometimes create emergency conditions on all land, whether Federal or non-Federal, and efforts to prevent and control such insects and diseases often require coordinated action by both Federal and non-Federal land managers;

(7) fires in rural areas threaten human lives, property, forests and other resources, and Federal-State cooperation in forest fire protection has proven effective and valuable;

(8) trees and forests are of great environmental and economic value to urban areas;

(9) managed forests contribute to improving the quality, quantity, and timing of water yields that are of broad benefit to society;

(10) over half the forest lands of the United States are in need of some type of conservation treatment;

(11) forest landowners are being faced with increased pressure to convert their forest land to development and other purposes;

<sup>2-1</sup> Sec. 1212 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3521, Nov. 28, 1990, revised Sec. 2 in its entirety.

(12) increased population pressures and user demands are being placed on private, as well as public, landholders to provide a wide variety of products and services, including fish and wildlife habitat, aesthetic quality, and recreational opportunities;

(13) stewardship of privately held forest resources requires a long-term commitment that can be fostered through local, State, and Federal governmental actions;

(14) the Department of Agriculture, through the coordinated efforts of its agencies with forestry responsibilities, cooperating with other Federal agencies, State foresters, and State political subdivisions, has the expertise and experience to assist private landowners in achieving individual goals and public benefits regarding forestry;

(15) the products and services resulting from nonindustrial private forest land stewardship provide income and employment that contribute to the economic health and diversity of rural communities; and

(16) sustainable agroforestry systems and tree planting in semiarid lands can improve environmental quality and maintain farm yields and income.

[(18) the same forest resource supply, protection, and management issues that exist in the United States are also present on an international scale, and the forest and rangeland renewable resources of the world are threatened by deforestation due to conversion to agriculture of lands better suited to other purposes, over-grazing, over-harvesting, and other causes which pose a direct adverse threat to people, the global environment, and the world economy.]<sup>2-2</sup>

(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Agriculture (hereafter in this Act referred to as the “Secretary”), with respect to non-Federal forest lands of the United States, to assist in—

(1) the establishment of a coordinated and cooperative Federal, State, and local forest stewardship program for management of the non-Federal forest lands;

(2) the encouragement of the production of timber;

(3) the prevention and control of insects and diseases affecting trees and forests;

(4) the prevention and control of rural fires;

(5) the efficient utilization of wood and wood residues, including the recycling of wood fiber;

(6) the improvement and maintenance of fish and wildlife habitat;

(7) the planning and conduct of urban forestry programs;

(8) broadening existing forest management, fire protection, and insect and disease protection programs on non-Federal forest lands to meet the multiple use objectives of landowners in an environmentally sensitive manner;

<sup>2-2</sup> As contained in section 607(b)(1)(C) of P.L. 101-513, 104 Stat. 2072, Nov. 5, 1990, which attempted to amend the Cooperative Forestry Assistance Act of 1978. The amendment could not be executed. Section 607(b)(2) of P.L. 101-513 (104 Stat. 2072) amended section 2 of the Cooperative Forestry Assistance Act of 1978 before section 1212 of P.L. 101-624 (104 Stat. 3521) amended section 2 in its entirety. Therefore, section 2, as amended by P.L. 101-624 and shown in the text above, does not contain the language added by P.L. 101-513. The amendment made by P.L. 101-513 amended section 2(b), by inserting “in the United States, and forest lands in foreign countries,” after “non-Federal forest lands,” the first place it appears and in paragraph (10).

(9) providing opportunities to private landowners to protect ecologically valuable and threatened non-Federal forest lands; and

(10) strengthening educational, technical, and financial assistance programs that provide assistance to owners of non-Federal forest lands.<sup>2-3</sup>

(c) POLICY.—It is the policy of Congress that it is in the national interest for the Secretary to work through and in cooperation with State foresters, or equivalent State officials, nongovernmental organizations, and the private sector in implementing Federal programs affecting non-Federal forest lands.

(d) CONSTRUCTION.—This Act shall be construed to complement the policies and direction under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

**SEC. 3.<sup>3-1</sup> [16 U.S.C. 2102] RURAL FORESTRY ASSISTANCE.**

(a) ASSISTANCE TO FOREST LANDOWNERS AND OTHERS.—The Secretary may provide financial, technical, educational, and related assistance to State foresters or equivalent State officials, and State extension directors, to enable such officials to provide technical information, advice, and related assistance to private forest land owners and managers, vendors, forest resource operators, forest resource professionals, public agencies, and individuals to enable such persons to carry out activities that are consistent with the purposes of this Act, including—

(1) protecting, maintaining, enhancing, restoring, and preserving forest lands and the multiple values and uses that depend on such lands;

(2) identifying, protecting, maintaining, enhancing, and preserving wildlife and fish species, including threatened and endangered species, and their habitats;

(3) implementing forest management technologies;

(4) selecting, producing, and marketing alternative forest crops, products and services from forest lands;

(5) protecting forest land from damage caused by fire, insects, disease, and damaging weather;

(6) managing the rural-land and urban-land interface to balance the use of forest resources in and adjacent to urban and community areas;

(7) identifying and managing recreational forest land resources;

(8) identifying and protecting the aesthetic character of forest lands;

(9) protecting forest land from conversion to alternative uses; and

(10) the management of resources of forest lands, including—

(A) the harvesting, processing, and marketing of timber and other forest resources and the marketing and utilization of wood and wood products;

(B) the conversion of wood to energy for domestic, industrial, municipal, and other uses;

(C) the planning, management, and treatment of forest land, including site preparation, reforestation, thinning,

<sup>2-3</sup> See footnote 2-2.

<sup>3-1</sup> Sec. 1213 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3523, Nov. 28, 1990, revised Sec. 3 in its entirety.

prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of timber and other forest resources;

(D) ensuring that forest regeneration or reforestation occurs if needed to sustain long-term resource productivity;

(E) protecting and improving forest soil fertility and the quality, quantity, and timing of water yields; and

(F) encouraging the investment of a portion of the proceeds from the sale of timber or other forest resources in stewardship activities that preserve, protect, maintain, and enhance their forest land.

(b) STATE FORESTRY ASSISTANCE.—The Secretary is authorized to provide financial, technical, and related assistance to State foresters, or equivalent State officials, to—

(1) develop genetically improved tree seeds;

(2) develop and contract for the development of field arboreta, greenhouses, and tree nurseries, in cooperation with a State, to facilitate production and distribution of tree seeds and seedlings in States where the Secretary determines that there is an inadequate capacity to carry out present and future reforestation needs;

(3) procure, produce, and distribute tree seeds and trees for the purpose of establishing forests, windbreaks, shelterbelts, woodlots, and other plantings;

(4) plant tree seeds and seedlings on non-Federal forest lands that are suitable for the production of timber, recreation, and for other benefits associated with the growing of trees;

(5) plan, organize, and implement measures on non-Federal forest lands, including thinning, prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of trees and other vegetation, fish and wildlife habitat, and water yielded therefrom; and

(6) protect or improve soil fertility on non-Federal forest lands and the quality, quantity, and timing of water yields therefrom.

(c) IMPLEMENTATION.—In implementing this section, the Secretary shall cooperate with other Federal, State, and local natural resource management agencies, universities and the private sector.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

#### FORESTRY INCENTIVES

SEC. 4. [16 U.S.C. 2103] (a) The Secretary is authorized to develop and implement a forestry incentives program to encourage the development, management, and protection of nonindustrial private forest lands. The purposes of such program shall be to encourage landowners to apply practices that will provide for afforestation of suitable open lands, reforestation of cutover or other nonstocked or understocked forest lands, timber stand improvement practices, including thinning, prescribed burning, and other silvicultural treatments, and forest resources management and protection, so as to provide for the production of timber and other forest resources associated therewith.

(b) For the purposes of this section, the term “private forest land” means land capable of producing crops of industrial wood and

owned by any private individual, group, Indian tribe or other native group, association, corporation, or other legal entity.

(c) Landowners shall be eligible for cost sharing under this program if they own one thousand acres or less of private forest land, except that the Secretary may approve cost sharing with landowners owning more than one thousand acres of such land if significant public benefits will accrue. In no case, however, may the Secretary approve cost sharing with landowners owning more than five thousand acres of private forest land.

(d) The Secretary shall administer this section in accordance with regulations the Secretary shall develop in consultation with the committee described in section 13(c) of this Act. Regulations issued under title X of the Agricultural Act of 1970, as in effect before the amendment made by section 336(d)(1) of the Federal Agriculture Improvement and Reform Act of 1996,<sup>4-1</sup> to the extent not inconsistent with the provisions of this section, shall remain in effect until revoked or amended by regulations issued under this subsection. The regulations issued under this subsection shall include guidelines for the administration of this section at the Federal and State levels, and shall identify the measures and activities eligible for cost sharing under this section.

(e) Individual forest management plans developed by the landowner in cooperation with and approved by the State forester or equivalent State official shall be the basis for agreements between the landowners and the Secretary under this section. The Secretary shall encourage participating States to use private agencies, consultants, organizations, and firms to the extent feasible for the preparation of individual forest management plans.

(f) In return for the agreement by the landowner, the Secretary shall agree to share the cost of implementing those forestry practices and measures set forth in the agreement for which the Secretary determines that cost sharing is appropriate. The portion of such cost (including labor) to be shared shall be that portion that the Secretary determines is necessary and appropriate to implement the forestry practices and measures under the agreement, but not more than 75 percent of the actual costs incurred by the landowner. The maximum amount any individual may receive annually under the program authorized by this section shall be determined by the Secretary in consultation with the committee described in section 13(c) of this Act.

(g) The Secretary shall, for the purposes of this section, distribute funds available for cost sharing among the States only after assessing the public benefit incident thereto, and after giving appropriate consideration to (1) the acreage of private commercial forest land in each State, (2) the potential productivity of such land, (3) the number of ownerships eligible for cost sharing in each State, (4) the need for reforestation, timber stand improvement, or other forestry investments on such ownerships, and (5) the enhancement of other forest resources.

(h) The Secretary may, if the Secretary determines that doing so will contribute to the effective and equitable administration of the program authorized by this section, use an advertising and bid

<sup>4-1</sup> Sec. 336(a)(2)(B) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1005, April 4, 1996, amended this section by striking "as added by the Agriculture and Consumer Protection Act of 1973" each place it appears in subsections (d) and (i) and inserting "as in effect before the amendment made by section 336(d)(1) of the Federal Agriculture Improvement and Reform Act of 1996".

procedure in determining the lands in any area to be covered by agreements under this section.

(i) In implementing this section, the Secretary may use the authorities provided in section 1001, 1002, 1003, 1004, and 1008 of the Agricultural Act of 1970, as in effect before the amendment made by section 336(d)(1) of the Federal Agriculture Improvement and Reform Act of 1996.<sup>4-2</sup>

(j) There are hereby authorized to be appropriated for each of fiscal years 1996 through 2002<sup>4-3</sup> such sums as may be needed to implement this section, including funds necessary for technical assistance and expenses associated therewith.

**SEC. 5.<sup>5-1</sup> [16 U.S.C. 2103a] FOREST STEWARDSHIP PROGRAM.**

(a) **ESTABLISHMENT.**—The Secretary, in consultation with State foresters or equivalent State officials, shall establish a Forest Stewardship Program (hereafter referred to in this section as the “Program”) to encourage the long-term stewardship of nonindustrial private forest lands by assisting owners of such lands to more actively manage their forest and related resources by utilizing existing State, Federal, and private sector resource management expertise and assistance programs.

(b) **GOAL.**—The goal of the Program shall be to enter at least 25,000,000 acres of nonindustrial private forest lands in the Program by December 31, 1995.

(c) **DEFINITION.**—For the purposes of this section, the term “nonindustrial private forest lands” means rural, as determined by the Secretary, lands with existing tree cover, or suitable for growing trees, and owned by any private individual, group, association, corporation, Indian tribe, or other private legal entity.

(d)<sup>5-2</sup> **IMPLEMENTATION.**—In carrying out the Program the Secretary, in consultation with State foresters or equivalent State officials, shall provide financial, technical, educational, and related assistance to State foresters or equivalent State officials, including assistance to help such State foresters or equivalent officials to provide financial assistance to other State and local natural resource entities, both public and private, and land-grant universities for the delivery of information and professional assistance to owners of nonindustrial private forest lands. Such information and assistance shall be directed to help such owners understand and evaluate alternative actions they might take, including—

(1) managing and enhancing the productivity of timber, fish and wildlife habitat, water quality, wetlands, recreational resources, and the aesthetic value of forest lands;

(2) investing in practices to protect, maintain, and enhance the resources identified in paragraph (1);

(3) ensuring that afforestation, reforestation, improvement of poorly stocked stands, timber stand improvement, practices necessary to improve seedling growth and survival, and growth enhancement practices occur where needed to enhance and sus-

<sup>4-2</sup> See note 4-1.

<sup>4-3</sup> Sec. 373 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1015, April 4, 1996, amended this section (1) in subsection (j), by striking “annually” and inserting “for each of fiscal years 1996 through 2002”, and (2) by striking subsection (k). For the previous version of subsection (k), see pp. 4-6 of Vol. III—Conservation and Miscellaneous Programs (as of January 16, 1996).

<sup>5-1</sup> Sec. 1215 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525, Nov. 28, 1990, amended this section in its entirety.

<sup>5-2</sup> The Food, Agriculture, Conservation, and Trade Act Amendments of 1991, P.L. 102-237, 105 Stat. 1905, Dec. 13, 1991, deleted “State Foresters” and inserted “state foresters”.

tain the long-term productivity of timber and nontimber forest resources to help meet future public demand for all forest resources and provide the environmental benefits that result; and

(4) protecting their forests from damage caused by fire, insects, disease, and damaging weather.

(e) **ELIGIBILITY.**—All nonindustrial private forest lands that are not in management under Federal, State, or private sector financial and technical assistance programs existing on the date of enactment of this section are eligible for assistance under the Program. Nonindustrial private forest lands that are managed under such existing programs are eligible for assistance under the Program if forest management activities are expanded and enhanced and the landowner agrees to meet the requirements of this Act.

(f) **DUTIES OF OWNERS.**—To enter forest land into the Program, landowners shall—

(1) prepare and submit to the State forester or equivalent State official a forest stewardship plan that meets the requirements of this section and that—

(A) is prepared by a professional resource manager;

(B) identifies and describes actions to be taken by the landowner to protect soil, water, range, aesthetic quality, recreation, timber, water, and fish and wildlife resources on such land in a manner that is compatible with the objectives of the landowner; and

(C) is approved by the State forester, or equivalent State official; and

(2) agree that all activities conducted on such land shall be consistent with the stewardship plan.

(g) **STEWARDSHIP RECOGNITION.**—The Secretary, in consultation with State foresters or equivalent State officials, is encouraged to develop an appropriate recognition program for landowners who practice stewardship management on their lands, with an appropriate, special recognition symbol and title.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated \$25,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter, to carry out this section.

#### **SEC. 6.<sup>6-1</sup> [16 U.S.C. 2103b] STEWARDSHIP INCENTIVE PROGRAM.**

(a) **ESTABLISHMENT.**—The Secretary, in consultation with State foresters or equivalent State officials, shall establish a program within the Forest Service, to be known as the “Stewardship Incentive Program” (hereafter referred to in this section as the “Program”), to meet the objectives and goals of section 5.

(b) **ELIGIBILITY.**—

(1) **IN GENERAL.**—Owners of nonindustrial private forest lands shall be eligible for cost-sharing assistance under the Program if such owners—

(A) have developed an approved forest stewardship plan pursuant to section 5(f);

(B) agree to implement approved activities pursuant to paragraph (4) in accordance with the plan for a period of not less than 10 years unless the State forester or equivalent State official approves a modification to such plan; and

<sup>6-1</sup> Sec. 6 was added by sec. 1216 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 105 Stat. 3526, Nov. 28, 1990.

(C) own not more than 1,000 acres of nonindustrial private forest land, except that the Secretary may approve the provision of cost-sharing assistance to landowners that own more than 1,000 acres of such land if the Secretary determines that significant public benefits will accrue from such approval.

(2) LIMITATION.—

(A) SECRETARY.—The Secretary shall not approve of the provision of cost-sharing assistance to any landowner owning in excess of 5,000 acres of nonindustrial private forest land.

(B) LANDOWNER.—A landowner shall not receive cost-share assistance for management on acreage under this section if such landowner receives cost-share assistance on the same acreage under section 4.

(3) STATE PRIORITIES.—The Secretary in consultation with the State forester, or equivalent State official, other State natural resource management agencies, and the State Coordinating Committee established pursuant to section 19(b), may develop State priorities for cost sharing under this section that will promote unique forest management objectives in that State.

(4) APPROVED ACTIVITIES.—

(A) DEVELOPMENT.—The Secretary, in consultation with the State Coordinating Committees established pursuant to section 19(b), shall develop a list of approved forest activities and practices that will be eligible for cost-share assistance under the Program within each State.

(B) TYPE OF ACTIVITIES.—The Secretary, in developing a list of approved activities and practices under subparagraph (A), shall attempt to achieve landowner and public purposes including—

(i) the establishment, management, maintenance, and restoration of forests for shelterbelts, windbreaks, aesthetic quality, and other conservation purposes;

(ii) the sustainable growth and management of forests for timber production;

(iii) the protection, restoration, and use of forest wetlands;

(iv) the enhanced management and maintenance of native vegetation on other lands vital to water quality;

(v) the growth and management of trees for energy conservation purposes;

(vi) the management and maintenance of fish and wildlife habitat;

(vii) the management of outdoor recreational opportunities; and

(viii) other activities approved by the Secretary.

(c) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall share the cost of developing and carrying out the forest stewardship plan under section 5(f), and in implementing the approved activities that the Secretary determines are appropriate and in the public interest, with a landowner who has entered in an agreement to place the forest land of such owner into the Program.



(2) **RATE.**—The Secretary, in consultation with the State forester, or equivalent State official, shall determine the appropriate reimbursement rate for cost-share payments under paragraph (1) and the schedule for making such payments.

(3) **MAXIMUM.**—The Secretary shall not make cost-share payments under this subsection to a landowner in an amount in excess of 75 percent of the total cost to such landowner of developing the forest stewardship plan and implementing eligible activities under the plan. The maximum payments to any one landowner shall be determined by the Secretary.

(d) **RECAPTURE.**—

(1) **IN GENERAL.**—The Secretary shall establish and implement a mechanism to recapture payments made to a landowner in the event that the landowner fails to implement any approved activity specified in the forest stewardship plan for which such owner received cost-share payments.

(2) **ADDITIONAL PROVISION.**—The provisions of paragraph (1) are in addition to any other provision available.

(e) **DISTRIBUTION.**—The Secretary shall distribute funds available for cost sharing under this section among the States only after assessing the public benefit incident to such distribution and after giving appropriate consideration to—

(1) the total acreage of nonindustrial private forest land in each State;

(2) the potential productivity of such land;

(3) the number of owners eligible for cost sharing in each State;

(4) the need for reforestation in each State;

(5) the opportunities to enhance nontimber resources on such forest lands; and

(6) the anticipated demand for timber and nontimber resources in each State.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$100,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter, to carry out this section.

#### **SEC. 7.<sup>7-1</sup> [16 U.S.C. 2103c] FOREST LEGACY PROGRAM.**

(a) **ESTABLISHMENT AND PURPOSE.**—The Secretary shall establish a program, to be known as the Forest Legacy Program, in cooperation with appropriate State, regional, and other units of government for the purposes of ascertaining and protecting environmentally important forest areas that are threatened by conversion to nonforest uses and, through the use of conservation easements and other mechanisms, for promoting forest land protection and other conservation opportunities. Such purposes shall also include the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values.

(b) **STATE AND REGIONAL FOREST LEGACY PROGRAMS.**—The Secretary shall exercise the authority under subsection (a) in conjunction with State or regional programs that the Secretary deems consistent with this section.

<sup>7-1</sup> Sec. 7 was added by sec. 1217 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3528, Nov. 28, 1990. Sec. 1018(a)(2) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991, P.L. 102-237, 105 Stat. 1905, Dec. 13, 1991, made technical corrections to this section.

(c) INTERESTS IN LAND.—In addition to the authorities granted under section 6 of the Act of March 1, 1911 (16 U.S.C. 515), and section 11(a) of the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428a(a)), the Secretary may acquire from willing land-owners lands and interests therein, including conservation easements and rights of public access, for Forest Legacy Program purposes. The Secretary shall not acquire conservation easements with title held in common ownership with any other entity.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Lands and interests therein acquired under subsection (c) may be held in perpetuity for program and easement administration purposes as the Secretary may provide. In administering lands and interests therein under the program, the Secretary shall identify the environmental values to be protected by entry of the lands into the program, management activities which are planned and the manner in which they may affect the values identified, and obtain from the land-owner other information determined appropriate for administration and management purposes.

(2) INITIAL PROGRAMS.—Not later than November 28, 1991, the Secretary shall establish a regional program in furtherance of the Northern Forest Lands Study in the States of New York, New Hampshire, Vermont, and Maine under Public Law 100-446. The Secretary shall establish additional programs in each of the Northeast, Midwest, South, and Western regions of the United States, and the Pacific Northwest (including the State of Washington), on the preparation of an assessment of the need for such programs.

(e) ELIGIBILITY.—Not later than November 28, 1991, and in consultation with State Forest Stewardship Coordinating Committees established under section 19(b) and similar regional organizations, the Secretary shall establish eligibility criteria for the designation of forest areas from which lands may be entered into the Forest Legacy Program and subsequently select such appropriate areas. To be eligible, such areas shall have significant environmental values or shall be threatened by present or future conversion to nonforest uses. Of land proposed to be included in the Forest Legacy Program, the Secretary shall give priority to lands which can be effectively protected and managed, and which have important scenic or recreational values; riparian areas; fish and wildlife values, including threatened and endangered species; or other ecological values.

(f) APPLICATION.—For areas included in the Forest Legacy Program, an owner of lands or interests in lands who wishes to participate may prepare and submit an application at such time in such form and containing such information as the Secretary may prescribe. The Secretary shall give reasonable advance notice for the submission of all applications to the State forester, equivalent State official, or other appropriate State or regional natural resource management agency. If applications exceed the ability of the Secretary to fund them, priority shall be given to those forest areas having the greatest need for protection pursuant to the criteria described in subsection (e).

(g) STATE CONSENT.—Where a State has not approved the acquisition of land under section 6 of the Act of March 1, 1911 (16 U.S.C. 515), the Secretary shall not acquire lands or interests

therein under authority granted by this section outside an area of that State designated as a part of a program established under subsection (b).

(h) FOREST MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—Conservation easements or deed reservations acquired or reserved pursuant to this section may allow forest management activities, including timber management, on areas entered in the Forest Legacy Program insofar as the Secretary deems such activities consistent with the purposes of this section.

(2) ASSIGNMENT OF RESPONSIBILITIES.—For Forest Legacy Program areas, the Secretary may delegate or assign management and enforcement responsibilities over federally owned lands and interests in lands only to another governmental entity.

(i) DUTIES OF OWNERS.—Under the terms of a conservation easement or other property interest acquired under subsection (b), the landowner shall be required to manage property in a manner that is consistent with the purposes for which the land was entered in the Forest Legacy Program and shall not convert such property to other uses. Hunting, fishing, hiking, and similar recreational uses shall not be considered inconsistent with the purposes of this program.

(j) COMPENSATION AND COST SHARING.—

(1) COMPENSATION.—The Secretary shall pay the fair market value of any property interest acquired under this section. Payments under this section shall be in accordance with Federal appraisal and acquisition standards and procedures.

(2) COST SHARING.—In accordance with terms and conditions that the Secretary shall prescribe, costs for the acquisition of lands or interests therein or project costs shall be shared among participating entities including regional organizations, State and other governmental units, landowners, corporations, or private organizations. Such costs may include, but are not limited to, those associated with planning, administration, property acquisition, and property management. To the extent practicable, the Federal share of total program costs shall not exceed 75 percent, including any in-kind contribution.

(k) EASEMENTS.—

(1) RESERVED INTEREST DEEDS.—As used in this section, the term “conservation easement” includes an easement utilizing a reserved interest deed where the grantee acquires all rights, title, and interests in a property, except those rights, title, and interests that may run with the land that are expressly reserved by a grantor.

(2) PROHIBITIONS ON LIMITATIONS.—Notwithstanding any provision of State law, no conservation easement held by the United States or its successors or assigns under this section shall be limited in duration or scope or be defeasible by—

(A) the conservation easement being in gross or appurtenant;

(B) the management of the conservation easement having been delegated or assigned to a non-Federal entity;

(C) any requirement under State law for re-recording or renewal of the easement; or

(D) any future disestablishment of a Forest Legacy Program area or other Federal project for which the conservation easement was originally acquired.

(3) CONSTRUCTION.—Notwithstanding any provision of State law, conservation easements shall be construed to effect the Federal purposes for which they were acquired and, in interpreting their terms, there shall be no presumption favoring the conservation easement holder or fee owner.

(1)<sup>7-2</sup> OPTIONAL STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall, at the request of a participating State, provide a grant to the State to carry out the Forest Legacy Program in the State.

(2) ADMINISTRATION.—If a State elects to receive a grant under this subsection—

(A) the Secretary shall use a portion of the funds made available under subsection (m), as determined by the Secretary, to provide a grant to the State; and

(B) the State shall use the grant to carry out the Forest Legacy Program in the State, including the acquisition by the State of lands and interests in lands.

(m)<sup>7-2</sup> APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 8.**<sup>8-1</sup> **[16 U.S.C. 2104] FOREST HEALTH PROTECTION.**

(a) IN GENERAL.—The Secretary may protect trees and forests and wood products, stored wood, and wood in use directly on the National Forest System and, in cooperation with others, on other lands in the United States, from natural and man-made causes, to—

(1) enhance the growth and maintenance of trees and forests;

(2) promote the stability of forest-related industries and employment associated therewith through the protection of forest resources;

(3) aid in forest fire prevention and control;

(4) conserve forest cover on watersheds, shelterbelts, and windbreaks;

(5) protect outdoor recreation opportunities and other forest resources; and

(6) extend timber supplies by protecting wood products, stored wood, and wood in use.

(b) ACTIVITIES.—Subject to subsections (c), (d), and (e) and to such other conditions the Secretary may prescribe, the Secretary may, directly on the National Forest System, in cooperation with other Federal departments on other Federal lands, and in cooperation with State foresters, or equivalent State officials, subdivisions of States, agencies, institutions, organizations, or individuals on non-Federal lands—

(1) conduct surveys to detect and appraise insect infestations and disease conditions and man-made stresses affecting trees and establish a monitoring system throughout the forests of the United States to determine detrimental changes or im-

<sup>7-2</sup> Sec. 374 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1015, April 4, 1996, redesignated former subsection (l) as subsection (m) and inserted a new subsection (l).

<sup>8-1</sup> Secs. 1215 and 1218 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525 and 3531 Nov. 28, 1990, redesignated sec. 5 as sec. 8 and revised this section in its entirety.

provements that occur over time, and report annually concerning such surveys and monitoring;

(2) determine the biological, chemical, and mechanical measures necessary to prevent, retard, control, or suppress incipient, potential, threatening, or emergency insect infestations and disease conditions affecting trees;

(3) plan, organize, direct, and perform measures the Secretary determines necessary to prevent, retard, control, or suppress incipient, potential, threatening, or emergency insect infestations and disease epidemics affecting trees;

(4) provide technical information, advice, and related assistance on the various techniques available to maintain a healthy forest and in managing and coordinating the use of pesticides and other toxic substances applied to trees and other vegetation, and to wood products, stored wood, and wood in use;

(5) develop applied technology and conduct pilot tests of research results prior to the full-scale application of such technology in affected forests;

(6) promote the implementation of appropriate silvicultural or management techniques that may improve or protect the health of the forests of the United States; and

(7) take any other actions the Secretary determines necessary to accomplish the objectives and purposes of this section.

(c) CONSENT OF ENTITY.—Operations under this section to prevent, retard, control, or suppress insects or diseases affecting forests and trees on land not controlled or administered by the Secretary shall not be conducted without the consent, cooperation, and participation of the entity having ownership of or jurisdiction over the affected land.

(d) CONTRIBUTION BY ENTITY.—No money appropriated to implement this section shall be expended to prevent, retard, control, or suppress insects or diseases affecting trees on non-Federal land until the entity having ownership of or jurisdiction over the affected land contributes, or agrees to contribute, to the work to be done in the amount and in the manner determined appropriate by the Secretary.

(e) ALLOTMENTS TO OTHER AGENCIES.—The Secretary may, in the Secretary's discretion, and out of any money appropriated to implement this section, make allocations to Federal agencies having jurisdiction over lands held or owned by the United States in the amounts the Secretary determines necessary to prevent, retard, control, or suppress insect infestations and disease epidemics affecting trees on those lands.

(f) LIMITATION ON USE OF APPROPRIATIONS.—

(1) REMOVING DEAD TREES.—No amounts appropriated shall be used to—

(A) pay the cost of felling and removing dead or dying trees unless the Secretary determines that such actions are necessary to prevent the spread of a major insect infestation or disease epidemic severely affecting trees; or

(B) compensate for the value of any property injured, damaged, or destroyed by any cause.

(2) INSECTS AND DISEASES AFFECTING TREES.—The Secretary may procure materials and equipment necessary to prevent, retard, control, or suppress insects and diseases affecting

trees without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), under whatever procedures the Secretary may prescribe, if the Secretary determines that such action is necessary and in the public interest.

(g) **PARTNERSHIPS.**—The Secretary, by contract or cooperative agreement, may provide financial assistance through the Forest Service to State foresters or equivalent State officials, and private forestry and other organizations, to monitor forest health and protect the forest lands of the United States. The Secretary shall require contribution by the non-Federal entity in the amount and in the manner determined appropriate. Such non-Federal share may be in the form of cash, services, or equipment, as determined appropriate by the Secretary.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated annually such sums as may be necessary to carry out subsections (a) through (g).

(i) **INTEGRATED PEST MANAGEMENT.**—

(1) **IN GENERAL.**—Subject to the provisions of subsections (c) and (e), the Secretary shall, in cooperation with State foresters or equivalent State officials, subdivisions of States, or other entities on non-Federal lands (hereafter in this subsection referred to as the “cooperator”)—

(A) provide cost-share assistance to such cooperators who have established an acceptable integrated pest management strategy, as determined by the Secretary, that will prevent, retard, control, or suppress gypsy moth, southern pine beetle, spruce budworm infestations, or other major insect infestations in an amount no less than 50 percent nor greater than 75 percent of the cost of implementing such strategy; and

(B) upon request, assist the cooperator in the development of such integrated pest management strategy.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated annually \$10,000,000 to implement this subsection.

#### **SEC. 9.<sup>9-1</sup> [16 U.S.C. 2105] URBAN AND COMMUNITY FORESTRY ASSISTANCE.**

(a) **FINDINGS.**—The Congress finds that—

(1) the health of forests in urban areas and communities, including cities, their suburbs, and towns, in the United States is on the decline;

(2) forest lands, shade trees, and open spaces in urban areas and communities improve the quality of life for residents;

(3) forest lands and associated natural resources enhance the economic value of residential and commercial property in urban and community settings;

(4) urban trees are 15 times more effective than forest trees at reducing the buildup of carbon dioxide and aid in promoting energy conservation through mitigation of the heat island effect in urban areas;

(5) tree plantings and ground covers such as low growing dense perennial turfgrass sod in urban areas and communities

<sup>9-1</sup> Secs. 1215 and 1219 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525 and 3533 redesignated Sec. 6 as Sec. 9 and revised this section in its entirety. Sec. 1018(a)(2) of the Food, Agriculture, Conservation Trade Act Amendments of 1991, P.L. 102-237, 105 Stat. 1905, Dec. 13, 1991, made technical corrections to this section.

can aid in reducing carbon dioxide emissions, mitigating the heat island effect, and reducing energy consumption, thus contributing to efforts to reduce global warming trends;

(6) efforts to encourage tree plantings and protect existing open spaces in urban areas and communities can contribute to the social well-being and promote a sense of community in these areas; and

(7) strengthened research, education, technical assistance, and public information and participation in tree planting and maintenance programs for trees and complementary ground covers for urban and community forests are needed to provide for the protection and expansion of tree cover and open space in urban areas and communities.

(b) PURPOSES.—The purposes of this section are to—

(1) improve understanding of the benefits of preserving existing tree cover in urban areas and communities;

(2) encourage owners of private residences and commercial properties to maintain trees and expand forest cover on their properties;

(3) provide education programs and technical assistance to State and local organizations (including community associations and schools) in maintaining forested lands and individual trees in urban and community settings and identifying appropriate tree species and sites for expanding forest cover;

(4) provide assistance through competitive matching grants awarded to local units of government, approved organizations that meet the requirements of section 501(c)(3) of the Internal Revenue Code of 1986, or other local community tree volunteer groups, for urban and community forestry projects;

(5) implement a tree planting program to complement urban and community tree maintenance and open space programs and to reduce carbon dioxide emissions, conserve energy, and improve air quality in addition to providing other environmental benefits;

(6) promote the establishment of demonstration projects in selected urban and community settings to illustrate the benefits of maintaining and creating forest cover and trees;

(7) enhance the technical skills and understanding of sound tree maintenance and arboricultural practices including practices involving the cultivation of trees, shrubs and complementary ground covers, of individuals involved in the planning, development, and maintenance of urban and community forests and trees; and

(8) expand existing research and educational efforts intended to improve understanding of—

(A) tree growth and maintenance, tree physiology and morphology, species adaptations, and forest ecology,

(B) the value of integrating trees and ground covers,

(C) the economic, environmental, social, and psychological benefits of trees and forest cover in urban and community environments, and

(D) the role of urban trees in conserving energy and mitigating the urban heat island.

(c) GENERAL AUTHORITY.—The Secretary is authorized to provide financial, technical, and related assistance to State foresters or equivalent State officials for the purpose of encouraging States to

provide information and technical assistance to units of local government and others that will encourage cooperative efforts to plan urban forestry programs and to plant, protect, and maintain, and utilize wood from, trees in open spaces, greenbelts, roadside screens, parks, woodlands, curb areas, and residential developments in urban areas. In providing such assistance, the Secretary is authorized to cooperate with interested members of the public, including nonprofit private organizations. The Secretary is also authorized to cooperate directly with units of local government and others in implementing this section whenever the Secretary and the affected State forester or equivalent State official agree that direct cooperation would better achieve the purposes of this section.

(d) PROGRAM OF EDUCATION AND TECHNICAL ASSISTANCE.—The Secretary, in cooperation with State foresters and State extension directors or equivalent State officials and interested members of the public, including nonprofit private organizations, shall implement a program of education and technical assistance for urban and community forest resources. The program shall be designed to—

(1) assist urban areas and communities in conducting inventories of their forest resources, including inventories of the species, number, location, and health of trees in urban areas and communities, identifying opportunities for the establishment of plantings for the purposes of conserving energy, and determining the status of related resources (including fish and wildlife habitat, water resources, and trails);

(2) assist State and local organizations (including community associations and schools) in organizing and conducting urban and community forestry projects and programs;

(3) improve education and technical support in—

(A) selecting tree species appropriate for planting in urban and community environments and for promotion of energy conservation;

(B) providing for proper tree planting, maintenance, and protection in urban areas and communities;

(C) protecting individual trees and preserving existing open spaces with or without tree cover; and

(D) identifying opportunities for expanding tree cover in urban areas and communities;

(4) assist in the development of State and local management plans for trees and associated resources in urban areas and communities; and

(5) increase public understanding of the energy conservation, economic, social, environmental, and psychological values of trees and open space in urban and community environments and expand knowledge of the ecological relationships and benefits of trees and related resources in these environments.

(e) PROCUREMENT OF PLANT MATERIALS.—The Secretary, in cooperation with State foresters or equivalent State officials, shall assist in identifying sources of plant materials and may procure or otherwise obtain such plant materials from public or private sources and may make such plant materials available to urban areas and communities for the purpose of reforesting open spaces, replacing dead and dying urban trees, promoting energy conservation, and providing other environmental benefits through expanding tree cover in urban areas and communities.

(f) CHALLENGE COST-SHARE PROGRAM.—



(1) IN GENERAL.—The Secretary shall establish an urban and community forestry challenge cost-share program. Funds or other support shall be provided under such program to eligible communities and organizations, on a competitive basis, for urban and community forestry projects. The Secretary shall annually make awards under the program in accordance with criteria developed in consultation with, and after consideration of recommendations received from, the National Urban and Community Forestry Advisory Council established under subsection (g). Each State forester or equivalent State official may make recommendations to the Secretary for awards under the program for project proposals in their State which meet such criteria. Awards shall be consistent with the cost-share requirements of this section.

(2) COST-SHARING.—The Federal share of support for a project provided under this subsection may not exceed 50 percent of the support for that project and shall be provided on a matching basis. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions.

(g) FORESTRY ADVISORY COUNCIL.—

(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a National Urban and Community Forestry Advisory Council (hereafter in this section referred to as the “Council”) for the purpose of—

(A) developing a national urban and community forestry action plan;

(B) evaluating the implementation of that plan; and

(C) developing criteria for, and submitting recommendations with respect to, the urban and community forestry challenge cost-share program under subsection (f).

(2) COMPOSITION AND OPERATION.—

(A) COMPOSITION.—The Council shall be composed of 15 members appointed by the Secretary, as follows:

(i) 2 members representing national nonprofit forestry and conservation citizen organizations,

(ii) 3 members, 1 each representing State, county, and city and town governments,

(iii) 1 member representing the forest products, nursery, or related industries,

(iv) 1 member representing urban forestry, landscape, or design consultants,

(v) 2 members representing academic institutions with an expertise in urban and community forestry activities,

(vi) 1 member representing State forestry agencies or equivalent State agencies,

(vii) 1 member representing a professional renewable natural resource or arboricultural society,

(viii) 1 member from the Extension Service,

(ix) 1 member from the Forest Service, and

(x) 2 members who are not officers or employees of any governmental body, 1 of whom is a resident of a community with a population of less than 50,000 as of the most recent census and both of whom have expertise and have been active in urban and community forestry.

(B) VACANCY.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(C) CHAIRPERSON.—The Secretary shall select 1 member, from members appointed to the Council, who is not an officer or employee of the United States nor any State, county, city, or town government, who shall serve as the chairperson of the Council.

(D) TERMS.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii) of this paragraph, members shall be appointed for terms of 3 years, and no member may serve more than 2 consecutive terms on the Council.

(ii) STAGGERED TERMS.—Of the members first appointed—

(I) 5, including the chairperson and 2 governmental employees, shall be appointed for a term of 3 years,

(II) 5, including 2 governmental employees, shall be appointed for a term of 2 years, and

(III) 5, including 2 governmental employees, shall be appointed for a term of 1 year, as designated by the Secretary at the time of appointment.

(iii) CONTINUATION.—Any member appointed to fill a vacancy occurring before the expiration of the term of the member's predecessor shall be appointed only for the remainder of such term. A member may serve after the expiration of the member's term until the member's successor has taken office.

(E) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), members of the Council shall serve without pay, but may be reimbursed for reasonable costs incurred while in the actual performance of duties vested in the Council.

(ii) FEDERAL OFFICERS AND EMPLOYEES.—Members of the Council who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Council.

(iii) FINANCIAL AND ADMINISTRATIVE SUPPORT.—The Secretary shall provide financial and administrative support for the Council.

(3) URBAN AND COMMUNITY FORESTRY ACTION PLAN.—Within 1 year after the date of enactment of this subsection and every 10 years thereafter, the Council shall prepare a National Urban and Community Forestry Action Plan. The plan shall include (but not be limited to) the following:

(A) An assessment of the current status of urban forest resources in the United States.

(B) A review of urban and community forestry programs and activities in the United States, including education and technical assistance activities conducted by the Department of Agriculture, and other Federal agencies, the State forestry organizations, private industry, private non-

profit organizations, community and civic organizations and interested others.

(C) Recommendations for improving the status of the Nation's urban and community forest resources, including education and technical assistance and modifications required in existing programs and policies of relevant Federal agencies.

(D) A review of urban and community forestry research, including—

(i) a review of all ongoing research associated with urban and community forests, arboricultural practices, and the economic, social, and psychological benefits of trees and forest cover in urban and community environments being conducted by the Forest Service, other Federal agencies, and associated land grant colleges and universities;

(ii) recommendations for new and expanded research efforts directed toward urban and community forestry concerns; and

(iii) a summary of research priorities and an estimate of the funds needed to implement such research, on an annual basis, for the next 10 years.

(E) Proposed criteria for evaluating proposed projects under the urban and community forestry challenge cost share program under subsection (f), with special emphasis given to projects that would demonstrate the benefits of improved forest management (including the maintenance and establishment of forest cover and trees) in urban areas and communities.

(F) An estimate of the resources needed to implement the National Urban and Community Forestry Action Plan for the succeeding 10 fiscal years.

(4) AMENDMENT OF THE PLAN.—The plan may be amended by a majority of the Council members. Such amendments shall be incorporated into the Council's annual review of the plan submitted to the Secretary pursuant to paragraph (5) of this subsection.

(5) REVIEW OF THE PLAN.—The Council shall submit the plan to the Secretary and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate upon its completion. Beginning no later than one year after the plan is submitted and annually thereafter, the Council shall submit a review of the plan to the Secretary no later than December 31. The review shall consist of—

(A) the Council's assessment of prior year accomplishments in research, education, technical assistance, and related activities in urban and community forestry;

(B) the Council's recommendations for research, education, technical assistance, and related activities in the succeeding year; and

(C) the Council's recommendations for the urban and community forestry challenge cost share projects to be funded during the succeeding year.

The review submitted to the Secretary shall be incorporated into the annual report required under section 3(d) of the Forest

and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(d)).

(6) **DETAIL OF PERSONNEL.**—Upon request of the Council, the Secretary is authorized to detail, on a reimbursable basis, any of the personnel of the Department of Agriculture to the Council to assist the Council in carrying out its duties under this Act.

(h) **DEFINITIONS.**—For the purposes of this section—

(1) the term “Council” means the National Urban and Community Forestry Advisory Council established under subsection (g);

(2) the term “plan” means the National Urban and Community Forestry Action Plan developed under subsection (g)(3); and

(3) the term “urban and community area” includes cities, their suburbs, and towns.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated \$30,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary for each fiscal year thereafter, for the implementation of this section.

#### RURAL FIRE PREVENTION AND CONTROL

SEC. 10.<sup>10-1</sup> [16 U.S.C. 2106] (a) Congress finds that—

(1) significant accomplishments have been made by the Secretary and cooperating States in the prevention and control of fires on forest lands and on nonforested watersheds for more than fifty years;

(2) progress is being made by the Secretary and cooperating States and rural communities in the protection of human lives, agricultural crops and livestock, property and other improvements, and natural resources from fires in rural areas;

(3) notwithstanding the accomplishments and progress that have been made, fire prevention and control on rural lands and in rural communities are of continuing high priority to protect human lives, agricultural crops and livestock, property and other improvements, and natural resources;

(4) the effective cooperative relationships between the Secretary and the States regarding fire prevention and control on rural lands and in rural communities should be retained and improved;

(5) efforts in fire prevention and control in rural areas should be coordinated among Federal, State, and local agencies; and

(6) in addition to providing assistance to State and local rural fire prevention and control programs, the Secretary should provide prompt and adequate assistance whenever a rural fire emergency overwhelms, or threatens to overwhelm, the firefighting capability of the affected State or rural area.

(b) Notwithstanding the Federal Fire Prevention and Control Act of 1974, the Secretary is authorized, under whatever conditions the Secretary may prescribe to—

<sup>10-1</sup> Secs. 1215 and 1220 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525 and 3539, Nov. 30, 1990, redesignated Sec. 7 as Sec. 10 and amended Subsecs. (b) and (e) and added subsec. (g). Sec. 1018(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 105 Stat. 1905, Dec. 13, 1991, amended subsec. (g) by striking “fire fighting organization” and inserting “firefighting organization”.

(1) cooperate with State foresters or equivalent State officials in developing systems and methods for the prevention, control, suppression, and prescribed use of fires on rural lands and in rural communities that will protect human lives, agricultural crops and livestock, property and other improvements, and natural resources;

(2) provide financial, technical, and related assistance to State foresters or equivalent State officials, and through them to other agencies and individuals, for the prevention, control, suppression, and prescribed use of fires on non-Federal forest lands and other non-Federal lands;

(3) provide financial, technical, and related assistance to State foresters or equivalent State officials in cooperative efforts to organize, train, and equip local firefighting forces, including those of Indian tribes or other native groups, to prevent, control, and suppress fires threatening human lives, crops, livestock, farmsteads or other improvements, pastures, orchards, wildlife, rangeland, woodland, and other resources in rural areas. As used herein, the term "rural areas" shall have the meaning set out in the first clause of section 306(a)(7) of the Consolidated Farm and Rural Development Act; and

(4) provide financial, technical, and related assistance to State foresters or equivalent State officials, and through them to other agencies and individuals, including rural volunteer fire departments, to conduct preparedness and mobilization activities, including training, equipping, and otherwise enabling State and local firefighting agencies to respond to requests for fire suppression assistance.

(c) The Secretary, with the cooperation and assistance of the Administrator of General Services, shall encourage the use of excess personal property (within the meaning of the Federal Property and Administrative Services Act of 1949) by State and local fire forces receiving assistance under this section.

(d) To promote maximum effectiveness and economy, the Secretary shall seek to coordinate the assistance the Secretary provides under this section with the assistance by the Secretary of Commerce under the Federal Fire Prevention and Control Act of 1974.

(e)(1) There are hereby authorized to be appropriated annually such sums as may be needed to implement paragraphs (1), (2) and (3) of subsection (b) of this section.

(2)(A) There are hereby authorized to be appropriated annually \$70,000,000 to carry out subsection (b)(4). Of the total amount appropriated to carry out subsection (b)(4)—

(i) one-half shall be available only for State foresters or equivalent State officials, and through them to other agencies and individuals, of which not less than \$100,000 shall be made available to each State; and

(ii) one-half shall be available only for rural volunteer fire departments.

(B) The Federal share of the cost of any activity carried out with funds made available pursuant to this paragraph may not exceed 50 percent of the cost of that activity. The non-Federal share for such activity may be in the form of cash, services, or in kind contributions.

(f) There shall be established in the Treasury a special rural fire disaster fund that shall be immediately available to and used

by the Secretary to supplement any other money available to carry out this section with respect to rural fire emergencies, as determined by the Secretary. The Secretary shall determine that State and local resources are fully used or will be fully used before expending money in the disaster fund to assist a State in which one or more rural fire emergencies exist. There are hereby authorized to be appropriated such sums as may be needed to establish and replenish the disaster fund established by this subsection.

(g) As used in this section—

(1) the term “rural volunteer fire department” means any organized, not for profit, fire protection organization that provides service primarily to a community or city with a population of 10,000 or less or to a rural area, as defined by the Secretary, whose firefighting personnel is 80 percent or more volunteer, and that is recognized as a fire department by the laws of the State; and

(2) the term “mobilization” means any activity in which one firefighting organization assists another that has requested assistance.

#### MANAGEMENT ASSISTANCE, PLANNING ASSISTANCE, AND TECHNOLOGY IMPLEMENTATION

SEC. 11.<sup>11-1</sup> [16 U.S.C. 2107] (a) To aid in achieving maximum effectiveness in the programs and activities conducted under this Act, the Secretary is authorized to provide financial, technical, and related assistance to State foresters or equivalent State officials for the development of stronger and more efficient State organizations that will enable them to fulfill their responsibilities for the protection and management of non-Federal forest lands. Assistance under this subsection may include, but will not be limited to, assistance in matters related to organization management, program planning and management, budget and fiscal accounting services, personnel training and management, information services, and recordkeeping. Assistance under this subsection may be extended only upon request by State foresters or equivalent State officials.

(b) To ensure that data regarding forest lands are available for and effectively presented in State and Federal natural resources planning, the Secretary is authorized to provide financial, technical, and related assistance to State foresters or equivalent State officials in the assembly, analysis, display, and reporting of State forest resources data, in the training of State forest resources planners, and in participating in natural resources planning at the State and Federal levels. The Secretary shall restrict assistance under this subsection to the implementation of the forestry aspects of State and Federal natural resources planning conducted under other laws. This subsection shall not be construed, in any way whatsoever, as extending, limiting, amending, repealing, or otherwise affecting any other law or authority.

(c) To ensure that new technology is introduced, new information is integrated into existing technology, and forest resources research findings are promptly made available to State forestry personnel, private forest landowners and managers, vendors, forest operators, wood processors, public agencies, and individuals, the Sec-

<sup>11-1</sup> Sec. 1215 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525, Nov. 28, 1990, redesignated Sec. 8 as Sec. 11.

retary is authorized to carry out a program of technology implementation.

(1) In implementing this subsection, the Secretary is authorized to work through State foresters or equivalent State officials, and, if the State forester or equivalent State official is unable to deliver these services, the Secretary is authorized to act through appropriate United States Agriculture agencies, subdivisions of States, agencies, institutions, organizations, or individuals to—

(A) strengthen technical assistance and service programs of cooperators participating in programs under this Act by applying research results and conducting pilot projects and field tests of management and utilization practices, equipment, and technologies, related to programs and activities authorized under this Act;

(B) study the effects of tax laws, methods, and practices on forest management.

(C) develop and maintain technical information systems in support of programs and activities authorized under this Act;

(D) test, evaluate, and seek registration of chemicals for use in implementing the programs and activities authorized under this Act;

(E) conduct other activities, including training of State forestry personnel whom the Secretary deems necessary to ensure that the programs and activities authorized under this Act are responsive to special problems, unique situations, and changing conditions.

(2) The Secretary may make funds available to cooperators under this Act without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529), which prohibits advances of public money.

(3) The Secretary shall use forest resources planning committees at National and State levels in implementing this subsection.

(d) There are hereby authorized to be appropriated annually such sums as may be needed to implement this section.

#### CONSOLIDATED PAYMENTS

SEC. 12.<sup>12-1</sup> [16 U.S.C. 2108] (a) To provide flexibility in funding activities authorized under this Act, the Secretary may, upon the request of any State, consolidate the annual financial assistance payments to that State under this Act, in lieu of functional cost sharing mechanisms, formulas, or agreements. However, consolidated payments shall not include money appropriated under section 4 of this Act or money from any special Treasury fund established under this Act.

(b) Consolidation of payments made under this section shall be based upon State forest resources programs developed by State foresters or equivalent State officials, and reviewed by the Secretary.

(c) Consolidated payments to any State during any fiscal year shall not exceed the total amount of non-Federal funds expended within the State during that year to implement its State forest resources program. However, the Secretary may make payments that

<sup>12-1</sup> Sec. 1215 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525, Nov. 28, 1990, redesignated Sec. 9 as Sec. 12.

exceed the non-Federal amount expended for selected activities under the program, if the total Federal expenditure during any fiscal year does not exceed the total non-Federal expenditure during that year under the State forest resources program.

(d) The Secretary may make consolidated payments on the certificate of the State forester or equivalent State official that the conditions for Federal payment have been met.

(e) The Secretary shall administer this section to ensure that the use of consolidated payments does not adversely affect or eliminate any program authorized under this Act.

(f) Subject to applicable appropriation Acts, the total annual amount of financial assistance to any participating State after the enactment of this Act shall not be less than the base amount of financial assistance provided to that State under all the provisions of law specified in section 16 of this Act during the fiscal year in which this Act is enacted. However, financial assistance for special projects of two years or less duration shall not be included in determining the base amount for any participating State.

#### GENERAL PROVISIONS

SEC. 13.<sup>13-1</sup> [16 U.S.C. 2109] (a) In implementing this Act, the Secretary shall, to the maximum extent practicable—

(1) work through, cooperate with, and assist State foresters or equivalent State officials;

(2) encourage cooperation and coordination between State foresters or equivalent State officials and other State agencies that manage renewable natural resources;

(3) use and encourage cooperators under this Act to use, private agencies, consultants, organizations, firms, and individuals to furnish necessary materials and services; and

(4) promote effectiveness and economy by coordinating the direct actions and assistance authorized under this Act with related programs the Secretary administers, and with cooperative programs of other agencies.

(b) Money appropriated under this Act shall remain available until expended.

(c) Requirements for the development of State forest resources programs and State participation in management assistance, planning assistance, and technology implementation, the apportionment of funds among States participating under this Act, the administrative expenses in connection with activities and programs under this Act, and the amounts to be expended by the Secretary to assist non-State cooperators under this Act, shall be determined by the Secretary in consultation with a committee of not less than five State foresters or equivalent State officials selected by a majority of the State foresters or equivalent State officials from States participating in programs under this Act. However, the Secretary need not consult with such committee regarding funds to be expended under emergency conditions that the Secretary may determine.

(d) For the purposes of this Act—

(1) The terms “United States” and “State” shall include each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands,

<sup>13-1</sup> Sec. 1215 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525, Nov. 28, 1990, redesignated Sec. 10 as Sec. 13.



the Trust Territory of the Pacific Islands, and the territories and possessions of the United States;

(2) The term “forest resources” shall include esthetics, fish and wildlife, forage, outdoor recreation opportunities, timber, and water; and

(3) The term “urban forestry” means the planning, establishment, protection, and management of trees and associated plants, individually, in small groups, or under forest conditions within cities, their suburbs, and towns.

(e) The Secretary may prescribe rules and regulations, as the Secretary deems appropriate, to implement the provisions of this Act.

(f) The Secretary is authorized to make grants, agreements, contracts, and other arrangements the Secretary deems necessary to implement this Act.

(g) This Act shall be construed as supplementing all other laws relating to the Department of Agriculture and shall not be construed as limiting or repealing any existing law or authority of the Secretary, except as specifically cited in section 16 of this Act.

[(h) In addition to the authority provided elsewhere in this Act, the Secretary may provide assistance to other countries with respect to the activities described in paragraphs (1) through (10) of section 3(b), paragraphs (1) through (5) of section 7(b), and paragraphs (1) through (3) of section 9(b). For the purposes of providing assistance to other countries under this subsection, the term “non-Federal forest land” shall mean any forest land and related renewable natural resources in such countries. In providing the assistance authorized under this subsection, the Secretary shall coordinate with other Federal officials, departments, agencies, or international organizations, as the President may direct. The references to “State foresters or equivalent State officials” in this Act shall not apply to the assistance provided by the Secretary to other countries under this subsection.]<sup>13-2</sup>

#### **SEC. 14.<sup>14-1</sup> [16 U.S.C. 2110] STATEMENT OF LIMITATION.**

This Act shall not authorize the Federal Government to regulate the use of private land or to deprive owners of land of their rights to property or to income from the sale of property, unless such property rights are voluntarily conveyed or limited by contract or other agreement. This Act does not diminish in any way the rights and responsibilities of the States and political subdivisions of States.

#### **REPORTS**

**SEC. 15.<sup>15-1</sup> [16 U.S.C. 1606 note]** To ensure that Congress has adequate information to implement its oversight responsibilities and to provide accountability for expenditures and activities under this Act, section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 is amended by—

<sup>13-2</sup> As contained in Sec. 607(b)(3) of P.L. 101-513 (104 Stat. 2072) which attempted to amend the Cooperative Forestry Assistance Act of 1978. The amendment could not be executed.

<sup>14-1</sup> Secs. 1215 and 1221 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525 and 3540, Nov. 28, 1990, redesignated Sec. 11 as Sec. 14 and revised this section in its entirety.

<sup>15-1</sup> Sec. 1215 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525, Nov. 30, 1990, redesignated Sec. 12 as Sec. 15.

(1) inserting immediately before the period at the end of the last sentence “and in cooperative State and private Forest Service programs”; and

(2) adding a new sentence at the end thereof as follows: “With regard to the cooperative forestry assistance part of the Program, the report shall include, but not be limited to, a description of the status, accomplishments, needs, and work backlogs for the programs and activities conducted under the Cooperative Forestry Assistance Act of 1978.”.

REPEAL OF OTHER LAWS; EXISTING CONTRACTS AND AGREEMENTS;  
APPROPRIATIONS

SEC. 16.<sup>16-1</sup> [16 U.S.C. 2111] (a) The following laws, and portions of laws, are hereby repealed:

(1) sections 1, 2, 3, and 4 of the Act of June 7, 1924, known as the Clarke-McNary Act (43 Stat. 653-654, as amended; 16 U.S.C. 564, 565, 566, 567);

(2) the Act of April 26, 1940, known as the White Pine Blister Rust Protection Act (54 Stat. 168; 16 U.S.C. 594a);

(3) the Forest Pest Control Act;

(4) the Cooperative Forest Management Act;

(5) section 401 of the Agricultural Act of 1956;

(6) title IV of the Rural Development Act of 1972; and

(7) section 1009 and the proviso to section 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973.

(b) Contracts and cooperative and other agreements under cooperative forestry programs executed under authority of the Acts, or portions thereof, repealed under subsection (a) of this section shall remain in effect until revoked or amended by their own terms or under other provisions of law.

(c) Funds appropriated under the authority of the Acts, or portions thereof, repealed under subsection (a) of this section shall be available for expenditure for the programs authorized under this Act.

EFFECTIVE DATE

SEC. 17.<sup>17-1</sup> [16 U.S.C. 2101 note] The provisions of this Act shall become effective October 1, 1978.

SEC. 18. [16 U.S.C. 2112] COOPERATIVE NATIONAL FOREST PRODUCTS MARKETING PROGRAM.

(a) FINDINGS AND PURPOSES.—

(1) Findings.—Congress finds that—

(A) the health and vitality of the domestic forest products industry is important to the well-being of the economy of the United States;

(B) the domestic forest products industry has a significant potential for expansion in both domestic and foreign markets;

(C) many small-sized to medium-sized forest products firms lack the tools that would enable them to meet the in-

<sup>16-1</sup> Sec. 1215 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525, Nov. 30, 1990, redesignated Sec. 13 as Sec. 16. Subsec. (a) contained numerous paragraphs repealing various statutory provisions in other Acts.

<sup>17-1</sup> Sec. 1215 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3525, Nov. 28, 1990, redesignated Sec. 14 as Sec. 17.

creasing challenge of foreign competition in domestic and foreign markets; and

(D) a new cooperative forest products marketing program will improve the competitiveness of the United States forest products industry.

(2) PURPOSES.—The purposes of this section are to—

(A) provide direct technical assistance to the United States forest products industry to improve marketing activities;

(B) provide cost-share grants to States to support State and regional forest products marketing programs; and

(C) target assistance to small-sized and medium-sized producers of solid wood and processed wood products, including pulp.

(b) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall establish a cooperative national forest products marketing program under this Act that provides—

(A) technical assistance to States, landowners, and small-sized to medium-sized forest products firms on ways to improve domestic and foreign markets for forest products; and

(B) grants of financial assistance with matching requirements to the States to assist in State and regional forest products marketing efforts targeted to aid small-sized to medium-sized forest products firms and private, non-industrial forest landowners.

(2) INTERSTATE COOPERATIVE AGREEMENTS.—Grant agreements shall encourage the establishment of interstate cooperative agreements by the States for the purpose of promoting the development of domestic and foreign markets for forest products.

(c) LIMITATIONS.—

(1) COOPERATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary shall cooperate with Federal departments and agencies to avoid the duplication of efforts and to increase program efficiency.

(2) DOMESTIC PROGRAM.—The program authorized under this section shall be carried out within the United States and not be extended to Department of Agriculture activities in foreign countries.

(d) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for each of the fiscal years 1988 through 1991, to carry out this section.

(e) PROGRAM REPORT.—The Secretary shall report to Congress annually on the activities taken under the marketing program established under this section. A final report including recommendations for program changes and the need and desirability of the reauthorization of this authority, and required levels of funding, shall be submitted to Congress not later than September 30, 1990.

**SEC. 19.<sup>19-1</sup> [16 U.S.C. 2113] FEDERAL, STATE, AND LOCAL COORDINATION AND COOPERATION.**

**(a) DEPARTMENT OF AGRICULTURE COORDINATING COMMITTEE.—**

(1) **ESTABLISHMENT.**—The Secretary shall establish an intradepartmental committee, to be known as the “Forest Resource Coordinating Committee” (hereafter referred to in this section as the “Coordinating Committee”), to coordinate forestry activities.

(2) **COMPOSITION.**—The Coordinating Committee shall be composed of representatives, appointed by the Secretary, from the Agricultural Research Service, Agricultural Stabilization and Conservation Service, Extension Service, Forest Service, and Soil Conservation Service.

(3) **CHAIRPERSON.**—The Secretary shall designate the Chief of the Forest Service as chairperson.

(4) **DUTIES.**—The Coordinating Committee shall—

(A) provide assistance in directing and coordinating actions of the Department of Agriculture that relate to educational, technical, and financial assistance concerning forest land to private landowners;

(B) clarify individual agency responsibilities concerning forest land of each agency represented on the Committee; and

(C) advise the Secretary of intradepartmental differences regarding the implementation of this Act, and any other Act related to the authority of the Secretary concerning non-Federal forest lands.

**(b) STATE COORDINATING COMMITTEES.—**

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—The Secretary, in consultation with the State forester or equivalent State official of each State, shall establish a State Forest Stewardship Coordinating Committee (hereafter referred to in this section as the “State Coordinating Committee”) for each such State.

(B) **COMPOSITION.**—The State Coordinating Committee shall be chaired and administered by the State forester, or equivalent State official, or the designee thereof, and shall be composed, to the extent practicable, of—

(i) representatives from the Forest Service, Soil Conservation Service, Agricultural Stabilization and Conservation Service, and Extension Service;

(ii) representatives, to be appointed by the State forester or equivalent State official, representative of—

(I) local government;

(II) consulting foresters;

(III) environmental organizations;

(IV) forest products industry;

(V) forest land owners;

(VI) land-trust organizations, if applicable in the State;

(VII) conservation organizations; and

(VIII) the State fish and wildlife agency; and

<sup>19-1</sup> Sec. 1222 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3540, Nov. 28, 1990, added this section.

(iii) any other individuals determined appropriate by the Secretary.

(C) TERMS.—The members of the State Coordinating Committee appointed under subparagraph (B)(ii) shall serve 3-year terms, with the initial members serving staggered terms as determined by the State forester or equivalent State official, and may be reappointed for consecutive terms.

(D) EXISTING COMMITTEES.—Existing State forestry committees may be used to complement, formulate, or replace the State Coordinating Committees to avoid duplication of efforts if such existing committees are made up of membership that is similar to that described in subparagraph (B)(ii), and if such existing committees include landowners and the general public in their memberships.

(2) DUTIES.—A State Coordinating Committee shall—

(A) consult with other Department of Agriculture and State committees that address State and private forestry issues;

(B) make recommendations to the Secretary concerning the assignment of priorities and the coordination of responsibilities for the implementation of this Act by the various Federal and State forest management agencies that take into consideration the mandates of each such agency;

(C) make recommendations to the State forester or equivalent State official concerning the development of a Forest Stewardship Plan under paragraph (3); and

(D) make recommendations to the Secretary concerning those forest lands that should be given priority for inclusion in the Forest Legacy Program established pursuant to section 7.

(3) FOREST STEWARDSHIP PLAN.—The State forester or equivalent State official of each State, in consultation with the State Coordinating Committee of such State, shall develop a Forest Stewardship Plan that shall—

(A) provide baseline data on the forest resources of the State;

(B) outline threats to the forest resources of the State;

(C) describe economic and environmental opportunities that are linked with the forest resources of the State;

(D) address management problems, opportunities, and objectives associated with intermingled Federal, State, and private land ownership patterns within the State; and

(E) make planning recommendations for Federal, State, and local implementation of this Act.

(4) OTHER PLANS.—Other State forest management plans may be used as the basis for or in lieu of establishing a plan for the State under paragraph (3) if such plans fully conform to the objectives of this section.

(5) TERMINATION.—The State Coordinating Committees shall not terminate.

(6) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to compel action by any State official.

**SEC. 20.** <sup>20-1</sup> **[16 U.S.C. 2114] ADMINISTRATION.**

(a) **IN GENERAL.**—The Secretary shall administer this Act in accordance with regulations that the Secretary shall develop.

(b) **GUIDELINES.**—The regulations promulgated under this Act shall include guidelines for the administration of this Act at the Federal and State levels and shall identify the measures and activities that are eligible for cost sharing under this Act.

(c) **EXISTING MECHANISMS.**—Existing mechanisms shall be used to the extent possible to make payments and deliver services to the landowner under this Act.

(d) **LAND GRANT UNIVERSITIES.**—The Secretary, in consultation with State foresters or equivalent State officials, may provide assistance directly to other State and local natural resource management agencies and land grant universities in implementing this Act in cases in which the State foresters or equivalent State officials are not able to make fund transfers to other State and local agencies.

<sup>20-1</sup> Sec. 1223 of the Food, Agriculture, Conservation, and Trade Act of 1990, P.L. 101-624, 104 Stat. 3542, Nov. 28, 1990, added this section.